

### REMARKS

Applicant submits the amendment above in reply to the Notice of Non-Compliant Appeal Brief mailed October 30, 2006 (hereafter, "the Notice"). The Notice states that the Appeal Brief submitted March 3, 2006 (hereafter, "the March 3<sup>rd</sup> Brief"), does not contain a correct copy of appealed claims. In the Order Returning Undocketed Appeal to Examiner, the Board noted that a Supplemental Amendment filed July 3, 2003, included amendments to claims 13, 33-36, 38, and 42. The language of the amended claims was not incorporated in any of the subsequent amendments. This was an inadvertent oversight on Applicant's part. The amendment submitted above is intended to ensure that the claims properly reflect the language of the claims as amended on July 3, 2003, and to further amend the claims solely as necessary to make them identical to the claims submitted with the March 3<sup>rd</sup> Brief.

The base claims in the above amendment are identical to those submitted (as amended) on July 3, 2003, and therefore are the claims that were pending at the date of the Notice of Allowance mailed on July 9, 2003. The above amendment incorporates the amendments filed on June 29, 2005, and on November 15, 2005. Upon entry of the above amendment, the pending claims will be identical to those submitted in the Claims Appendix of the March 3<sup>rd</sup> Brief.

Applicant respectfully requests that the Examiner issue a final rejection, or otherwise indicate approval and entry of the above amendment, so that Applicant can proceed to file an Amended Brief on Appeal. The Amended Brief will be essentially identical to the March 3<sup>rd</sup> Brief, including identical claims. The Amended Brief will differ from the March 3<sup>rd</sup> Brief only by reference to the above amendment and its entry by the Examiner.

In the event that a telephone conversation could expedite the review of the claims, the Examiner is requested to call the undersigned at the phone number provided below.

Applicant : Tommy Ekstrom  
Serial No. : 09/367,950  
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No fee is believed to be due. However, any necessary charges, or any credits, should be applied to Deposit Account No. 06-1050, with reference to Attorney Docket No. 06275-188001.

Respectfully submitted,

Date: November 28, 2004

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